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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,687	11/12/2003	Akihiro Miwa	393032041800	9078

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EXAMINER

QIN, JIANCHUN

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/712,687

Applicant(s)

MIWA, AKIHIRO

Examiner

Jianchun Qin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/12/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hotta (U.S. Pat. No. 5225617).

With respect to claims 1, 7 and 8:

Hotta teaches a cursor movement controlling apparatus for an electronic musical apparatus, comprising: a display that displays a plurality of choices for controlling parameters of the electronic music apparatus, each of which is categorized into one of groups, and a cursor for selecting the choices (col. 7, lines 36-61); an instructor that instruct a movement of the displayed cursor (col. 1, lines 55-59; col. 11, lines 59-68 and col. 12, lines 1-8); a movement storage device that stores a content of the movement of the cursor when the movement of the cursor within the group is instructed (col. 9, lines 23-44 ); and a cursor moving device that moves, when the movement of the cursor to other group is instructed, the cursor to the choice that is in the other group and corresponding to the content of the movement storage device (cols. 8-9, lines 65-4; col. 9, lines 23-44).

With respect to claims 3-6:

Hotta teaches the movement storage device stores information concerning a position of the cursor within the group as the content of the movement (col. 9, lines 32-44); the movement storage device stores the content of the movement commonly to all the groups (col. 9, lines 5-22); and the movement storage device stores the content of the movement individually for each group (col. 9, lines 32-44); the cursor moving device moves the cursor in accordance with the instruction of the instructor when the movement of the cursor within the group is instructed (col. 9, lines 23-44; col. 11, lines 59-67 and col. 12, lines 1-8).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hotta (U.S. Pat. No. 5225617) in view of Robertson et al. (U.S. Pat. No. 5598183).

Hotta teaches the subject matter discussed above. Hotta does not mention explicitly: the movement storage device stores information concerning a direction and a distance of the movement of the cursor within the group as the content of the movement.

Robertson et al. teaches the movement storage device stores information concerning a direction and a distance of the movement of the cursor within the group as the content of the movement (col. 3, lines 51-67; col. 4, lines 1-14 and lines 42-67 and col. 5, lines 1-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Robertson et al. in the invention of Hotta in order to provide a mechanism for tracking the movement of the cursor so that when it is needed the cursor can be moved back to the original position easily (Robertson et al., Abstract).

#### ***Prior Art Citations***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Bates et al. (U. S. Pub. No. 2003/0067442 A1) is entitled "Method and system for selectively controlling graphical pointer movement based upon web page content".

2) Kunimoto (U. S. Pat. No. 5739454) is entitled "Method and device for setting or selecting a tonal characteristic using segments of excitation mechanisms and structures".

3) Koyama et al. (U. S. Pat. No. 5646362) is entitled "Sound parameter editing device for an electronic musical instrument".

**Contact Information**

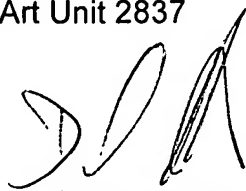
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 7am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JQ  
July 6, 2005

Jianchun Qin  
Examiner  
Art Unit 2837

  
DAVID MARTIN  
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